

REMARKS

This Amendment is filed in response to the Office Action dated January 28, 2008. For the following reasons this application should be allowed and the case passed to issue. No new matter is introduced by this amendment. The amendment to claims 1 and 2 is supported throughout the specification, including Fig. 65 and the accompanying portions of the written description. New claims 3-8 are introduced to address the informalities noted by the Examiner in new claims 3-11, which were previously presented April 27, 2001. Support for new claims 3-8 is found throughout the specification. For example, the main bit line, subbit lines, first and second switching transistors, the memory cells and connections to subbit lines, and the n connection lines of claim 3 are all shown in block 1462 of Fig. 60. A local decoder is shown at 1464. The recitation of polycrystalline silicon is supported by Fig. 86 and the description at column 61, lines 34-41. The recited connection lines are word lines in Fig. 60 and made of metal wiring.

Claims 1-8 are pending in this application. Claims 1-11 have been rejected. Claims 1 and 2 have been amended. New claims 3, 5, 7, and 8, which were first presented on April 27, 2001 have been amended in this paper. New claims 4 and 6 correspond to new claims 4 and 6 first presented on April 27, 2001. Claims 9-11, which were first presented on April 27, 2001, have been canceled.

Interview Summary

Applicants greatly appreciate the courtesy of Examiner Le in conducting a telephone interview with the undersigned. The undersigned called Examiner Le to discuss paragraph 4 of the January 28, 2008 Office Action. The undersigned inquired about the basis of the rejection as the C.F.R. does not require that all new claims be presented in the declaration. Examiner Le

explained that paragraph 4 of the Office Action was in error and agreed that the new claims did not have to be presented in the reissue declaration.

Reissue Declaration

The Office Action asserted that the reissue declaration was defective because it failed to identify at least one error which was relied on to support the reissue declaration.

The Office Action averred that the reissue declaration is defective because it fails to identify each inventor by full name and country of citizenship.

The Office Action maintained that the reissue declaration is defective because it fails to contain a statement that all the errors being corrected arose without any deceptive intent.

In paragraph 4, the Office Action alleged that the reissue declaration is defective because new claims 2-11 are not stated in the declaration and their differences are not pointed out.

In response to these assertions, Applicants have filed a new declaration concurrently with this response which identifies at least one error. It is not clear in the patent claims whether or not the main bit line and the subbit lines are formed in the same layer on the substrate. It is difficult to form all the main bit lines and subbit lines in the same layer. The main bit line and subbit lines can only be formed in the same layer on the substrate in a limited region of the device.

The declaration further identifies each inventor by name and country of citizenship and includes a statement that all errors which are being corrected up to the time of filing arose without any deceptive intent on the part of the applicants.

During a telephone interview with the undersigned, Examiner Le explained that the grounds of defective reissue declaration in paragraph 4 of the Office Action was in error, and that the new claims did not have to be presented in the reissue declaration.

Claim Rejections Under 35 U.S.C. § 251

Claims 1-11 were rejected under 35 U.S.C. § 251, as being based upon a defective reissue declaration.

Claims 3-11 were rejected under 35 U.S.C. § 251 as being improperly broadened in a reissue application made and sworn by the assignee and not the patentee.

Claims 3-11 were rejected under 35 U.S.C. § 251 as being an improper recapture of broadened claimed subject matter surrendered in the application for the patent upon which the reissue is based. The Office action asserted that the limitation “formed of metal wiring” is required for the main bit line and that the subbit lines require the limitation “of metal wiring and aligned.”

These amendments are traversed, and reconsideration and withdrawal thereof respectfully requested.

A new reissue declaration addressing the asserted informalities is being filed concurrently with this response. The inventors have signed the declaration and new claims 3, 5, 7, and 8 include the required limitations to obviate the improper recapture ground of rejection.

Claim Rejections Under 35 U.S.C. § 102

Claims 3 and 5-9 were rejected under 35 U.S.C. § 102(e) as being anticipated by Yiu et al. (US 5,526,307). This rejection is traversed, and reconsideration and withdrawal thereof respectfully requested. The following is a comparison between the invention, as claimed, and the cited prior art.

Yiu et al. do not anticipate the claimed nonvolatile memory semiconductor devices because Yiu et al. do not disclose a main bit line formed of metal wiring and first and second subbit lines connected in series, each formed of metal wiring and each aligned parallel to the

main bit line, as required by claim 3; a first bit line formed of metal wiring, a switch having an end connected to the first bit line, and a second bit line formed of metal wiring and connected to other end of the switch, as required by claim 5; a first bit line formed of metal wiring, a switch having a conductive end connected to the first bit line, a second bit line formed of metal wiring connected to other conductive end of the switch, as required by claim 7; and a first bit line formed of metal wiring, a switch having a conductive end connected to the first bit line and a second bit line formed of polycrystalline silicon connected to other conductive end of the switch, as required by claim 8.

The factual determination of lack of novelty under 35 U.S.C. § 102 requires the disclosure in a single reference of each element of a claimed invention. *Helifix Ltd. v. Blok-Lok Ltd.*, 208 F.3d 1339, 54 USPQ2d 1299 (Fed. Cir. 2000); *Electro Medical Systems S.A. v. Cooper Life Sciences, Inc.*, 34 F.3d 1048, 32 USPQ2d 1017 (Fed. Cir. 1994); *Hoover Group, Inc. v. Custom Metalcraft, Inc.*, 66 F.3d 399, 36 USPQ2d 1101 (Fed. Cir. 1995); *Minnesota Mining & Manufacturing Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992); *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987). because Yiu et al. do not disclose a main bit line formed of metal wiring and first and second subbit lines connected in series, each formed of metal wiring and each aligned parallel to the main bit line, as required by claim 3; a first bit line formed of metal wiring, a switch having an end connected to the first bit line, and a second bit line formed of metal wiring and connected to other end of the switch, as required by claim 5; a first bit line formed of metal wiring, a switch having a conductive end connected to the first bit line, a second bit line formed of metal wiring connected to other conductive end of the switch, as required by claim 7; and a first bit line formed of metal wiring, a switch having a conductive end connected

to the first bit line and a second bit line formed of polycrystalline silicon connected to other conductive end of the switch, as required by claim 8, Yiu et al. do not anticipate claims 1, 3, 5, 7, and 8.

Applicants further submit that Yiu et al. do not suggest the claimed nonvolatile memory semiconductor devices.

The dependent claims are allowable for at least the same reasons as the respective independent claims from which they depend and further distinguish the claimed nonvolatile memory semiconductor memory devices.

In light of the above Amendment and Remarks, and the concurrently filed new reissue declaration by the inventors, this application should be allowed and the case passed to issue. If there are any questions regarding these remarks or the application in general, a telephone call to the undersigned would be appreciated to expedite prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Bernard P. Codd
Registration No. 46,429

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 BPC:MWE
Facsimile: 202.756.8087
Date: June 30, 2008

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